

EXHIBIT 6

LYONS & FLOOD, L LP
65 W 36th Street, 7th Floor
New York, New York 10018
(212) 594-2400

Attorneys for Defendant
MEDITERRANEAN SHIPPING COMPANY, S.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LIBERTY MUTUAL GROUP INC.
as subrogee of BODGER SEEDS, LTD

08 Civ. 00223 (JSR)

Plaintiff,

- against -

MEDITERRANEAN SHIPPING COMPANY S.A.

Defendant.
-----X

RESPONSE TO PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION

Defendant MEDITERRANEAN SHIPPING COMPANY S.A. ("MSC"), through its attorneys Lyons & Flood, LLP, hereby responds to Plaintiffs' First Set of Requests For Production ("Requests"), upon information and belief as follows:

MSC has conducted a diligent search and reasonable inquiry in response to the Requests. However, MSC has not completed its investigation of the facts related to this case, has not completed discovery in this action, and has not completed its preparation for any trial that might be held herein. Its responses to these Requests are based upon information currently known to MSC and are given without prejudice to MSC's right to supplement, add to, amend, or modify its responses to these Requests. Moreover, MSC reserves the right to make use of, or introduce at any hearing or at trial, documents or

facts not known to exist at the time of production, including, but not limited to, documents obtained in the course of discovery in this action.

Subject to and without waiving the foregoing Preliminary Statement, MSC makes the following General Objections to the Requests in their entirety, including each of plaintiffs' definitions, instructions, and individual requests contained therein:

GENERAL OBJECTIONS

MSC makes the following General Objections, whether or not separately set forth in response to each and every request propounded by plaintiffs. The assertion of the same, similar, or additional objections or partial responses to plaintiffs' individual requests does not waive any of MSC's General Objections.

1. MSC objects to the Requests to the extent that they seek information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action.

2. MSC objects to the Requests to the extent that they seek confidential or private business information, including, without limitation, trade secret information, personnel information, and/or competitively sensitive information. MSC will not produce confidential or private business information except pursuant to an appropriate protective order to be entered in this action and any Court ordered modifications thereof.

3. MSC objects to the Requests to the extent they seek information that is: (a) protected by the attorney-client privilege or prepared in anticipation of litigation or for trial, or that is otherwise subject to the attorney work product doctrine; and/or (b) protected by the right to privacy guaranteed by the United States Constitution; (c)

protected by the joint defense privilege, the common interest privilege, or similar privileges; and/or (d) protected by any other applicable privilege, doctrine or immunity.

4. Any such information is defined to be “privileged.” Any inadvertent disclosure of privileged information shall not be deemed to be a waiver by MSC of any applicable privileges or doctrines.

5. MSC objects to the Requests to the extent that they attempt to impose on MSC any obligations or requirements that exceed, enlarge and/or alter those imposed by the Federal Rules of Civil Procedure.

6. MSC objects to the Requests to the extent that they fail to comply with Rule 34 of the Federal Rules of Civil Procedure.

7. MSC objects to the Requests to the extent that they are vague, ambiguous, misleading, uncertain, unintelligible, overly broad, fail to specifically describe the information sought, are not defined, seek information outside the scope of the instant lawsuit, and/or would require MSC to speculate as to the nature and scope of the documents sought.

8. MSC objects to the Requests to the extent that they are unduly burdensome, compound and/or duplicative.

9. MSC objects to the Requests to the extent that they call for discovery which will properly be the subject of discovery for which disclosure presently is both unwarranted and premature.

10. MSC objects to the Requests to the extent that they purport to seek documents that are already in plaintiffs’ possession, documents that are a matter of public record and/or documents that are otherwise equally accessible to plaintiffs.

11. MSC objects to the Requests to the extent that they purport to impose on MSC the burden of ascertaining information that is not in MSC's possession, custody or control, and/or that cannot be found in the course of a reasonable search.

12. MSC objects to the Requests to the extent that they call for organization of documents according to request. MSC will produce documents as they are kept in the ordinary course of business.

13. MSC objects to the Requests to the extent that they contain inappropriate and/or argumentative headings and sub-headings.

14. MSC states these objections without waiving or intending to waive, but on the contrary preserving and intending to preserve: (a) all objections to the competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the responses to the Requests or the subject matter thereof, in any subsequent proceeding in, or the trial of, this or any other action; (b) the right to object on any grounds to the use of any response, or the subject matter thereof, in any subsequent proceeding in, or the trial of, this or any other action; (c) the right to object on any grounds at any time to a demand for further response to these or any other discovery procedures involving or related to the subject matter of the Requests directed to MSC; and (d) the right to object on any grounds to any other or future discovery requests.

15. Subject to and without waiving the General Objections and qualifications above, MSC further responds as follows:

RESPONSES TO INDIVIDUAL REQUESTS

REQUEST NO. 1: All communications or notes of communications and all internal records, documents, correspondence, letters, memoranda, e-mails, reports, notes,

drafts, or other written materials concerning the shipment that is the subject matter of his litigation.

RESPONSE: MSC objects to this request on the grounds that it is vague, overly broad, fails to specifically describe the information sought and would require MSC to speculate as to the nature and scope of the documents sought. Subject to and without waiver of the foregoing, MSC produces the following document in addition to the documents produced as part of its Initial Disclosures:

- a. E-mail Correspondence between Stefaan Deconinck of MSC and Adriana Mrowczynska of MSC regarding letter from Badiak & Will LLP.

REQUEST NO. 2: All surveys, photographs, videotapes, diagrams or other materials depicting the shipment that is the subject matter of this litigation.

RESPONSE: See the documents produced as part of MSC's Initial Disclosures.

REQUEST NO. 3: All written materials including but not limited to internal letters, memoranda, e-mails, reports, and/or drafts concerning the handling, packaging, storage and/or transport of the shipment that is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. Subject to and without waiver of the foregoing, MSC produces the following:

- a. MSC's Bay Plans for the Vessels at issue;

REQUEST NO. 4: All communications or notes of communications and all written materials exchanged by and between the parties concerning the shipment that is the subject matter of this litigation including but no limited to notes, drafts, reports,

letters, correspondence, e-mail messages, documents and/or records.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 5: Any and all agreements including drafts entered into by and between the parties concerning the shipment that is the subject of this litigation, along with any notes, memoranda, documents, correspondence, e-mails and any other written materials referencing or pertaining to this agreement.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. See the documents produced as part of MSC's Initial Disclosures.

REQUEST NO. 6: Any and all communications or notes of communications, correspondence, memoranda, e-mails, reports, documents or other written materials exchanged by and between defendant MEDITERRANEAN SHIPPING COMPANY, S.A. and third parties concerning the shipment that is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. Subject to and without waiver of the foregoing, MSC produces the following:

- a. Email from Dominick Mecky to Capt. Nanik Kirpalani.

REQUEST NO. 7: Defendant MEDITERRANEAN SHIPPING COMPANY, S.A.'s entire file pertaining to plaintiff's claim and the shipment which is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. See the documents produced as part of MSC's Initial Disclosures and note that MSC

continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 8: Any and all interchange receipts, transit receipts and/or related documents concerning or pertaining to the shipment that is the subject matter of this litigation.

RESPONSE: See the documents produced as part of MSC's Initial Disclosures. Subject to and without waiver of the foregoing, MSC also produces the following:

- a. MSC's Gate Transaction Inquiry.

REQUEST NO. 9: Any and all documents or other written materials, including, but not limited to internal letters, notes, drafts, memoranda, correspondence, e-mails and/or reports concerning the transport of the shipment that is the subject matter of this litigation to and from the terminals of lading and discharge.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. See the documents produced as part of MSC's Initial Disclosures

REQUEST NO. 10: Any and all delivery receipts concerning the shipment that is the subject matter of this litigation.

RESPONSE: See Response to Request No. 8 above.

REQUEST NO. 11: Any and all copies, including drafts, of all storage plans concerning the shipment that is the subject matter of this litigation.

RESPONSE: See Response to Request No. 3 above.

REQUEST NO. 12: Any and all bills of lading including front and reverse sides, concerning the shipment that is the subject matter of this litigation.

RESPONSE: See MSC's Bill of Lading attached hereto.

REQUEST NO. 13: Any and all internal reports, including drafts and notes, concerning the shipment that is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. See the documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 14: Any and all documents, correspondence and/or other written materials, including e-mails, notifying the defendant of any damage and/or claims concerning the shipment that is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. Subject to and without waiver of the foregoing, MSC produces the following documents in addition to documents contained in its Initial Disclosures:

- a. E-mail from MSC to Badiak & Will LLP dated December 11, 2007.
- b. Letter from Badiak & Will LLP to MSC dated November 30, 2007.
- c. Letter from MSC to Badiak & Will LLP dated October 25, 2007.
- d. Letter from Badiak & Will LLP to MSC dated October 18, 2007

MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 15: Any and all correspondence, documents and/or written materials, including e-mails, exchanged by and between the parties pertaining to the

shipping arrangements concerning the shipment that is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. See the documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 16: Any and all documents, correspondence and/or other written materials, including e-mails exchanged by and between the defendant MEDITERRANEAN SHIPPING COMPANY S.A., and third-parties pertaining to the shipping arrangements concerning the shipment that is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. See the documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 17: Any and all documents, memoranda, notes, drafts, reports, correspondence, e-mails, and/or other documents pertaining to the loading and discharge of the shipment that is the subject matter of this litigation.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative. See the documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right

to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 18: Any and all log books concerning the shipment that is the subject matter of this litigation.

RESPONSE: MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 19: Any and all agreements, including drafts and/or proposals, entered into by and between the defendant MEDITERRANEAN SHIPPING COMPANY, S.A., and third parties concerning the shipment that is the subject matter of this litigation.

RESPONSE: See the documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 20: All Shipper's Letters of Instructions, including front and reverse sides.

RESPONSE: See the documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 21: Any and all records relating to the receipt by defendant of the subject cargo.

RESPONSE: MSC objects to this Request on the grounds that it is duplicative.

See the documents produced as part of MSC's Initial Disclosures and in Response to this Request for Production of Documents and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

REQUEST NO. 22: Any and all documents showing exceptions, if any, concerning the order and condition of the cargo described in the Complaint prior to or upon loading on the vessel.

RESPONSE: See documents produced as part of MSC's Initial Disclosures.

REQUEST NO. 23: Any and all statements made by any party concerning the shipment which is the subject matter of this litigation.

RESPONSE: See documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

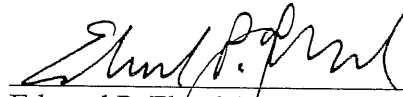
REQUEST NO. 24: Any and all statements made by any person, firm or entity or witness concerning the shipment which is the subject matter of this litigation.

RESPONSE: See documents produced as part of MSC's Initial Disclosures and note that MSC continues its investigation for materials responsive to this request and reserves the right to supplement this response up to and including the time of trial. If we receive such documents, we will remit them in due course.

Dated: July 21, 2008

LYONS & FLOOD, LLP
Attorneys for Defendant
MEDITERRANEAN SHIPPING
COMPANY, S.A.

By:

A handwritten signature in black ink, appearing to read "Edward P. Flood", written over a horizontal line.


Edward P. Flood (EPF-5797)
65 West 36th Street, 7th Floor
New York, New York 10018
(212) 594-2400

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CERTIFICATE OF SERVICE

Edward P. Flood, an attorney duly admitted to practice before this Honorable Court, affirms on this 21st day of July 2008, I served true copies of the foregoing, by Federal Express, to:

BADIAK & WILL, LLP
Attorney for Plaintiff
106 Third Street
Mineola, New York 11501
Attn: Alfred J. Will, Esq.
Firm Ref: 07-J-011-AW



Edward P. Flood

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From: S DECONINCK CHGVA LEGAL [sdeconinck@mscgva.ch]
Sent: Monday, December 10, 2007 8:53 AM
To: A MROWCZYNSKA USNYC CLAIMS
Cc: Cargo Claims DL
Subject: RE: GVA 2007-5152-561-2/MSC NY REF T-2382/ROYAL ZANZIBAR 56A/MSCUTA 011091/MSC
BEACH

Follow Up Flag: Follow up
Flag Status: Red

Dear Adriana,

During our review of the file relative to the captioned matter, we noticed that our surveyor, to be in good condition, concluded that the shipment was affected by condensation resulting from flowers contained in the different varieties of flower seeds.

The above conclusion is supported by the statement of the consignee who found a majority of water on the walls and on the top tiers.

MSC, as carrier under FCL/FCL terms, cannot be held responsible for condensation damages and must reject this claim in full.

Please inform Badiak & Will accordingly.

Thanks and best regards,

Stefaan Deconinck
Legal Department
MSC Geneva

Ph.: ++41 22 703 85 17

Fax: ++41 22 703 87 10

P Please consider your environmental responsibility before printing this e-mail

-----Original Message-----

From: A MROWCZYNSKA USNYC CLAIMS
Sent: jeudi 6 décembre 2007 15:09
To: S DECONINCK CHGVA LEGAL
Cc: Cargo Claims DL
Subject: GVA 2007-5152-561-2/MSC NY REF T-2382/ROYAL ZANZIBAR 56A/MSCUTA 011091/MSCU 1550902/

Dear Stefaan,

Attached please find a letter from Badiak & Will LLP asking for a settlement proposal. Please

Best Regards,

Adriana Mrowczynska
MSC USA Inc.

As Agents for: Mediterranean Shipping Company S.A. Geneva 420 Fifth Avenue New York, NY 10018

Ph: 212-764-4800 Ext. 42667

Fax: 212-764-1352

amrowczynska@msc.us

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VOY NO : 771A										

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[illegible]

Edward P. Flood

From: "DOMINICK MECKY" <mgr-tgt@kaributanga.com>
To: "N KIRPALANI USNYC CLAIMS MGR" <NKIRPALANI@MSC.US>; "seatrade tanga, branch mgr, mr dominick mecky" <mgr-tgt@msctzdar.com>
Cc: "S DECONINCK CHGVA LEGAL" <sdeconinck@mscgva.ch>; "S DECARROUX CHGVA LEGAL" <sdecarroux@mscgva.ch>; <eflood@lyons-flood.com>; "M WACLAWEK USNYC CLAIMS ASST MGR" <MWACLAWEK@MSC.US>; "A MROWCZYNSKA USNYC CLAIMS" <amrowczynska@MSC.US>
Sent: Thursday, May 08, 2008 3:05 AM
Subject: Re: GVA 2007-5152-561-2 / T-2382 - MSC Federica B710A - MSC Ilona 0710A - B/L MSCUTA 011091 - MCCU 1550902 648 Bags of Flower Seeds - Loaded Tanga, Tanzania January 26, 2007 for discharge at Long Beach, CA. USA.

Dear Capt. Nanik Kirpalani,

We have made a follow up regarding this matter. Please, note the following:

- Empty containers were released to shipper when containers were clean and all vents were open. Therefore, Cellophane Tape was applied by Shippers themselves.
- Generally when containers are sent to shipper, vents are open. Shippers decide whether to leave them open or close.
- Vents are generally not checked when containers arrive at terminal for shipping.

This shipment was an FCL/FCL and cargo was stuffed in Arusha by shipper under customs supervision.

Thank you and best regards,
 Dominick Mecky,

----- Original Message -----

From: N KIRPALANI USNYC CLAIMS MGR
To: seatrade tanga, branch mgr, mr dominick mecky
Cc: S DECONINCK CHGVA LEGAL ; S DECARROUX CHGVA LEGAL ; eflood@lyons-flood.com ; M WACLAWEK USNYC CLAIMS ASST MGR ; A MROWCZYNSKA USNYC CLAIMS
Sent: Wednesday, April 30, 2008 11:25 PM
Subject: GVA 2007-5152-561-2 / T-2382 - MSC Federica B710A - MSC Ilona 0710A - B/L MSCUTA 011091 - MCCU 1550902 648 Bags of Flower Seeds - Loaded Tanga, Tanzania January 26, 2007 for discharge at Long Beach, CA. USA.

Dear Mr. Dominick Mecky,

Good morning.

The cargo in the captioned container arrived at destination with considerable 'Mould' and 'Condensation'.

Evidently the 'Vents' on the container were 'Mostly Taped with Cellophane Tape' Please see attached photographs.



BOYD HAREN
MEDITERRANEAN SHIPPING COMPANY

Terminal A

Equipment #:



Advanced Equipment Inquiry

Booking #:



Advanced Booking Inquiry

Search Criteria

[Home](#)[Logout](#)[My Profile](#)[Contact](#)[Help](#)

Gate Transaction Inquiry

Date Trans
Nbr.

Task

Trans.
Status

Container

Chassis

Service
OrderTrucker
CodeTractor
Lic.

04/10/2007 158

FULLOUT



MSCU1550902 MSC22080, 1325904

MSI

9D30460C,

Search Results

Export Transactions
Import Transactions
Gate Transactions

Gate Transaction
Inquiry

Equipment

Reports

Vessel Schedule

Truckers

Transaction			
Transaction Number	158	Transaction Status	EIR
Task	FULLOUT	Direction	O
Category	I	Line	MSC
Status	F	Online/Batch	O
Override Gate Edits		Carrier	MSI
Vehicle	9D30460CA	Visit	04/10/07 01:21:13

Container Details

Container	MSCU1550902	Container Owner	MSC
Service Order	1325904	Service Order Line	MSC
Vessel	9225641	Voyage	0710A
Container ISU Code		Container Damage	
Container Position	F223	Overdimension	
Container Safe		Seals	
Weight	20.3	Hazardous	
Commodity Code		Vent Observed/UOM	
Special Stow		Temp. Reading	
Temp. Setting			

Dray Status		Tax Code	
FTZ Doc		Prechecked	04/10/2007 01:21
Decked		Outgated	10-APR-07
Created	04/10/2007 01:21	Changed	04/10/2007 02:01

Chassis & Accessories			
Chassis	MSCZ208043	Chassis Owner	MSC
Chassis ISO Code		Chassis Damage	
Chassis Position		Fill Direction	W
Genset		Cooling Unit	

Weight Details			
Scale Weight		Tractor Weight	
Chassis Weight	2.9	Genset Weight	
Cooling Unit Weight		Net Weight	

ge 22 of 27

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10. **LIABILITY OF RESERVISTS AND FULL-TIME CONTRACTORS** - It is hereby expressly agreed that the services of agents of the Company

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256. ORIGINAL AVERAGE, KENNETH JAMES CLAUDE, JR. The person average listed as second, started and worked according to York Armory (June 1974, except June 1974) until, at the time assigned by the Corps, and then in theater not provided for by

[illegible]

26. THE USER AGREES TO INDEMNIFY AND HOLD DEFENDANT HARMLESS FROM AND AGAINST ALL DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY DEFENDANT AS A RESULT OF THE USER'S NEGLIGENCE OR WILLFUL MISCONDUCT IN CONNECTION WITH THE USER'S USE OF THE SOFTWARE. THE USER'S OBLIGATION TO INDEMNIFY DEFENDANT SHALL NOT BE LIMITED BY ANY LIMITATION ON THE AMOUNT OR TYPE OF DAMAGES, LOSSES AND EXPENSES THAT MAY BE RECOVERED BY DEFENDANT UNDER APPLICABLE LAW. THE USER'S OBLIGATION TO INDEMNIFY DEFENDANT SHALL NOT BE LIMITED BY ANY LIMITATION ON THE AMOUNT OR TYPE OF DAMAGES, LOSSES AND EXPENSES THAT MAY BE RECOVERED BY DEFENDANT UNDER APPLICABLE LAW. THE USER'S OBLIGATION TO INDEMNIFY DEFENDANT SHALL NOT BE LIMITED BY ANY LIMITATION ON THE AMOUNT OR TYPE OF DAMAGES, LOSSES AND EXPENSES THAT MAY BE RECOVERED BY DEFENDANT UNDER APPLICABLE LAW.

MEMORANDUM FOR THE RECORD: The Department hereby expresses its opinion that the law is not sufficiently in relation to the facts which

EQUIPMENT COMPONENTS: - Identify locations and names of equipment in the room and identify the equipment with the

the Commission's ability to coordinate the development, in addition the Council should be empowered to negotiate with the representatives of the member states on matters referred to the local MNCs. Again, according to the draft of the Commission's proposal, the Commission will establish a working group to study the impact of the proposed Directive on the environment and the Commission will establish a working group to study the impact of the proposed Directive on the environment and the Commission will establish a working group to study the impact of the proposed Directive on the environment.

A MROWCZYNSKA USNYC CLAIMS

From: A MROWCZYNSKA USNYC CLAIMS
Sent: Tuesday, December 11, 2007 12:32 PM
To: 'ADMIRALAW@AOL.COM'; 'akatz@badiakwill.com'
Cc: Cargo Claims DL
Subject: RE: MSC Claim # T-2382/ B/L MSCUTA011430; MSCUTA011091; Our Ref: 07-J-011-AW

Dear Mr. Will and Mr. Katz,

Reference subject matter, our Principals has reviewed the claim documents and has following comments:

"During our review of the file relative to the captioned matter, we noticed that our surveyor, having found the container to be in good condition, concluded that the shipment was affected by condensation resulting from inherent moisture contained in the different varieties of flower seeds.

The above conclusion is supported by the statement of the consignee who found a majority of wet bags along the container walls and on the top tiers.

MSC, as carrier under FCL/FCL terms, cannot be held responsible for condensation damages and hence has no other choice but to reject this claim in full."

In view of the above MSC must reject all liability on this matter.

Best Regards,

Adriana Mrowczynska
MSC USA Inc.
As Agents for: Mediterranean Shipping Company S.A. Geneva
420 Fifth Avenue
New York, NY 10018
Cargo Claims Department
Ph: 212-764-4800 Ext. 42667
Fax: 212-764-1352
amrowczynska@msc.us

From: A MROWCZYNSKA USNYC CLAIMS
Sent: Monday, December 03, 2007 12:07 PM
To: 'Alan Katz'
Cc: Cargo Claims DL
Subject: RE: MSC Claim # T-2382/ B/L MSCUTA011430; MSCUTA011091; Our Ref: 07-J-011-AW

Dear Mr.

Best Regards,

Adriana Mrowczynska
MSC USA Inc.
As Agents for: Mediterranean Shipping Company S.A. Geneva
420 Fifth Avenue

BADIAK & WILL, LLP*Attorneys and Proctors in Admiralty*

TELEPHONE: (516) 877-2225
TELEFAX: (516) 877-2230/2240
E-MAIL: ADMIRALLAW@ADL.COM

106 THIRD STREET
MINEOLA, NY 11501-4404

FLORIDA OFFICE:
BADIAK, WILL & KALLEN
17071 WEST DIXIE HIGHWAY
NORTH MIAMI BEACH, FL 33160

November 30, 2007

Mediterranean Shipping Company (USA) Inc.
420 Fifth Avenue, 8th Floor
New York, New York 10018-2702

RE: "MSC ILONA" v. 0701A
Your Ref.: T2382
Our Ref.: 07-J-011-AW

Gentlemen:

Enclosed please find a copy of our letter dated October 18, 2007, your reference T2382.

At this time, we would appreciate your making this settlement proposal with respect to this loss. Thank you for your prompt attention to this matter.

Very truly yours,

BADIAK & WILL, LLP


ALFRED J. WILL

AJW/kl



Mediterranean Shipping Company S.A.
40, Avenue Eugene Pittard
1206 Geneva, Switzerland
Attn.: Legal and Claims Dept. -

October 25, 2007

Ref: GVA 2007-5152-561-2
Vessel: ROYAL ZANZIBAR 56A
BL: MSCUTA011430
Ctr.: MSCU 1550902
Cargo description: Flower Seeds
Pol: Tanga
Pod: Long Beach
Date of Discharge: 04-05-07
Claim Amount: USD \$2,500.00

MSC File Ref: T-2382

Good day,
Enclosed please find documentation for subject claim. By copy of this letter, we are acknowledging receipt of the claim.

Kind regards
Cargo Claims Dept.
Mediterranean Shipping Company (USA) INC
As Agents for: Mediterranean Shipping Company S.A. Geneva
Phone: 212-764-4800
Fax: 212-764-1352
Email: cargoclaims@msc.us

C.c. Claimant : Badiak & Will, LLP
106 Third Street
Mineola, NY 11501-4404

BADIAK & WILL, LLP*Attorneys and Proctors in Admiralty*

ROMAN BADIAK
ALFRED J. WILL
JAMES P. KRAUZLIS
LISA ANN SCOGNAMILLO

106 THIRD STREET
MINEOLA, NY 11501-4404

TELEPHONE: (516) 877-2225
TELEFAX: (516) 877-2230/2240
E-MAIL: ADMIRALAW@ADL.COM

FLORIDA OFFICE:
BADIAK, WILL & KALLEN
17071 WEST DIXIE HIGHWAY
NORTH MIAMI BEACH, FL 33160
JOHN D. KALLEN

Cargo Claims Department
Mediterranean Shipping Company (USA) Inc.
420 Fifth Avenue, 8th Floor
New York, New York 10018-2702

October 18, 2007

Our Ref.: 07-J-011-AW

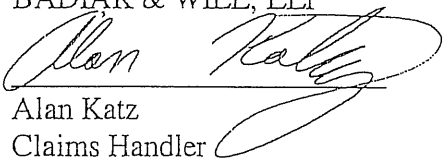
Dear Sir or Madam:

We have been retained by Liberty International Underwriters to effect recovery of the following claim and are enclosing the documents listed below. A shipment of flower seeds was exposed to freshwater during carriage. Please note that the claim amount includes the assured's \$2,500.00 deductible. Your prompt investigation and payment of this claim would be appreciated.

B/L #'s: MSCUTA011430, 1/26/07; MSCUTA011091
VESSELS: ROYAL ZANZIBAR; MSC ILONA
ORIGIN: Tanga, Tanzania DISCHARGE: Long Beach, California
SHIPPER: Maua Arusha, Ltd. CONSIGNEE: Enveromentar Seeds Producers
SHIPMENT: Flower Seeds

Damage and Loss: = \$69,825.75

Very truly yours,
BADIAK & WILL, LLP


Alan Katz
Claims Handler

Encl.
Subrogation Receipt
Bodger Seeds Claim Statement
Original Bill of Lading
Arrival Notice
Product Invoice
Packing List
U.S. Customs Entry Form
Certificate of Origin
Freshwater Contamination Analysis by A.J. Edmond Company
Vericlam Marine Cargo Survey Report

